

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHERYL J. CAUSEY, Executrix of  
the Estate of Larue Causey,

Plaintiff,

vs.

PANKAJ SETH, *et. al.*

Defendants.

Case No.: 2:19-CV-00315

**AJAY AGRAWAL'S ANSWER TO COMPLAINT**

Defendant Ajay Aggarwal ("Defendant"), by and through undersigned counsel, submits its Answer to Plaintiff's Complaint. Specifically, Defendant responds to each respective paragraph of the Complaint as follows:

1. Defendant is without information to sufficiently respond to the allegations and therefore denies this paragraph.
2. Admitted.
3. Admitted.
4. Denied. Said allegation is denied as argument and conclusions of law to which no response is required.
5. Denied. Said allegation is denied as argument and conclusions of law to which no response is required.
6. Defendant admits that the plain text of the referenced document speaks for itself. To the extent the allegations in this paragraph conflict with the terms of the referenced document, those allegations are denied.
7. Admitted.

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8. Defendant admits that the plain text of the referenced document speaks for itself.

To the extent the allegations in this paragraph conflict with the terms of the referenced document, those allegations are denied.

9. Defendant admits that the plain text of the referenced document speaks for itself.

To the extent the allegations in this paragraph conflict with the terms of the referenced document, those allegations are denied.

10. Admitted.

11. Defendant admits that the plain text of the referenced document speaks for itself.

To the extent the allegations in this paragraph conflict with the terms of the referenced document, those allegations are denied.

12. Denied. Defendant admits that the plain text of the referenced document speaks for itself. To the extent the allegations in this paragraph conflict with the terms of the referenced document, those allegations are denied. Further, said allegation is denied as argument and conclusions of law to which no response is required..

13. Denied. Defendant admits that the plain text of the referenced document speaks for itself. To the extent the allegations in this paragraph conflict with the terms of the referenced document, those allegations are denied. Further, said allegation is denied as argument and conclusions of law to which no response is required..

14. Defendant admits that the plain text of the referenced document speaks for itself.

To the extent the allegations in this paragraph conflict with the terms of the referenced document, those allegations are denied.

15. Admitted.

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16. Defendant admits that the plain text of the referenced document speaks for itself. To the extent the allegations in this paragraph conflict with the terms of the referenced document, those allegations are denied. Further, said allegation is denied as argument and conclusions of law to which no response is required.

17. Denied. Said allegation is denied as argument and conclusions of law to which no response is required.

18. Admitted.

19. Admitted.

20. Defendant admits that the plain text of the referenced document speaks for itself. To the extent the allegations in this paragraph conflict with the terms of the referenced document, those allegations are denied. Further, said allegation is denied as argument and conclusions of law to which no response is required.

21. Defendant admits that the plain text of the referenced document speaks for itself. To the extent the allegations in this paragraph conflict with the terms of the referenced document, those allegations are denied.

22. Denied. Said allegation is denied as argument and conclusions of law to which no response is required.

23. Denied. Said allegation is denied as argument and conclusions of law to which no response is required.

To the extent an answer is required to the “Prayer for Relief,” Defendant denies that Plaintiff is entitled to the relief requested therein.

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**FIRST AFFIRMATIVE DEFENSE**

Plaintiff fails to state a claim upon which relief can be granted.

**SECOND AFFIRMATIVE DEFENSE**

Plaintiff has breached the contract entered into with Defendant which has caused damage to Defendant and may be subject to a counterclaim or separate lawsuit.

**THIRD AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred by accord and satisfaction.

**FOURTH AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred by Plaintiff's failure to mitigate its damages.

**FIFTH AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred by the doctrine of equitable estoppel.

**SIXTH AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred by the doctrine of unclean hands.

**SEVENTH AFFIRMATIVE DEFENSE**

Defendant respectfully reserves the right to assert any affirmative defenses learned as a result of discovery in this matter.

Respectfully submitted,

Dated: May 21, 2019

/s/ John Balenovich

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*Of Counsel for Defendants Pankaj Seth and  
Ajay Aggarwal*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 21, 2019, I reviewed the Court's CM/ECF system and it reports that an electronic copy of the preceding Ajay Aggarwal's Answer to Complaint was served electronically by the Court's CM/ECF system on the following:

W. Bradley Sorrells, Esq.  
Robinson & McElwee PLLC  
Post Office Box 1791  
Charleston, West Virginia 25301  
*Counsel for Plaintiff*

/s/ John J. Balenovich

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